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EXAMINER	
ARAQUE JR, GERARDO	

ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
11/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	09/892,769	KAWAOKA ET AL.	
	Examiner	Art Unit	
	Gerardo Araque Jr.	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29,31-34,36-40,42-49 and 51-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29,31-34,36-40,42-49 and 51-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **September 4, 2009** has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1 – 14, 36, 43, 51, 28, 42, 48, and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)**.

3. In regards to **claim 1**, **Fredlund** discloses a photofinisher that receives film from a customer, scans the film, and stores the scanned images **(Column 2 Lines 28 – 31)**, wherein the receiving unit receives the plurality of images from a corresponding user (**Column 7 Lines 18 – 19)**. Moreover, the images files are stored in a storage device, which were scanned from the photofinisher **(Column 4 Lines 34 – 36)**.

Fredlund additionally discloses:

the delivery-medium recording unit configured to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph **(Column 7 Lines 26 – 27 wherein a CD-writer for producing Photo CD's is disclosed; regarding the capability of the images to be delivered the Examiner asserts that the claim has failed to positively recite that the images are being delivered. Further still, one of ordinary skill in the art looking upon Fredlund would have recognized that the photos are delivered and sent to designated recipient(s) in a plurality of different formats, such as on a CD or on prints; see also Col. 2 Lines 42 – 52; Column 7 Lines 18 – 26 wherein Fredlund discloses a computer that controls an image-capable printer for paper prints)**, and

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request, the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user **(Col. 2 Lines 45 – 56; Col. 3 Lines 32 – 42; wherein the user is allowed to send in an extra-printing request (re-ordering of prints) and wherein the prints are provided to the designated recipient as indicated by the user)**.

However, **Fredlund** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request **which includes at least one of said image IDs linked to the predetermined web page,**

wherein the digital camera is programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg**, discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg**

further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Fredlund** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it

would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

4. In regards to **claim 2**, **Fredlund** discloses that the processed film is also scanned into a scanner in order to convert the negative film into digital images **(Column 3 Lines 29 – 31)** and is attached with a customer identification number **(Column 3 Lines 34 – 36)**. Once the images are converted they can be later recorded onto a Photo CD, as was previously discussed.

5. In regards to **claim 3**, **Steinberg** discloses wherein:

said plurality of images are automatically transmitted to the receiving unit from a plurality of digital cameras corresponding to a plurality of users **(Col. 10 Lines 37 – 42; Fig. 13)**, and

said delivery-medium recording unit records one or more images of said plurality of images onto one of said recording media for one of said users at predetermined intervals **(Col. 13 Lines 6 – 11)**

6. In regards to **claim 4**, **Fredlund** discloses that once the customer is done with placing an order **(Column 6 Lines 30 – 36)** the images can then be recorded onto a CD with the use of a CD-writer **(Column 8 Lines 56 – 63)**.

7. In regards to **claim 5**, **Fredlund** discloses a computer data entry means that allows a user to input information related to their images **(Column 5 Lines 44 – 51)**. This information can then be recorded onto a recording media if the user chooses to.

8. In regards to **claim 6**, the use of using user ID's in order to access information, especially for online shopping, is well known and common practice in the art.

9. In regards to **claim 7**, the examiner understands that the date and the place are just more information that the user can input into the database that further identifies the images. When the user accesses the database to have select the images they would want recorded they can do so based on the information that was provided. Moreover, it is well known that digital cameras use such information in order to organize the images on its storage medium and that cameras obviously have some type of GPS unit imbedded in them so that phone companies can track where phone calls are being made and determine if the phone is in a roaming area. Therefore, when the images are transmitted to their location through the cellular phone a tag, such as the date and location, must be sent with it so that the phone company can later charge the user for the extra service.

10. In regards to **claim 8**, **Fedlund** discloses a computer that controls an image-capable printer for paper prints and is capable of receiving re-printing requests which correspond to an Image ID **(Col. 2 Lines 42 – 52; Col. 7 Lines 18 – 26)**.

11. In regards to **claim 9**, **Fredlund** discloses that once the customer chooses which images to be re-ordered, the customer is presented with services related to the selected

image, such as the quantity and the size **(Column 2 Lines 47 – 57 Column 3 Lines 52 – 63)**.

12. In regard to **claims 10 and 11**, **Fredlund** discloses a mass storage device that stores the, "…digital image along with a customer order number and a unique customer identification number **(Column 3 Lines 33 – 36)**." The customer is then able to use the identification number given to them to access the images they would like to be printed **(Column 4 Lines 46 – 50)**.

13. In regard to **claims 12 – 14**, **Fredlund** disclosure of a photo production and delivery system that allows customers to submit images to a storage device and assign the customers with an identification number is discussed above. The identification number allows them to access the storage device and select the images they would like printed or recorded on a medium. In the case that the customer would like the images to be recorded on a medium, such as a CD, a CD-writer that is integrated to a computer system would be used. Moreover, the optical disc would have the identification number and image recorded on it **(Column 3 Lines 32 – 36)**. Furthermore, as discussed above, **Fredlund** discloses that the prints can be provided in different mediums, such as on a CD and print. As a result, it would have been obvious to one having ordinary skill in the art looking upon **Fredlund** that when a customer is re-ordering a photo the photo can be provided in any of the available recording mediums.

14. In regards to **claims 36**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives

the images from the camera, the shot date and number of captured images would be included as well.

15. In regards to **claims 43**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

16. In regards to **claims 51**, **Steinberg** discloses wherein:

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time of the particular ones of the plurality of images were captured such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

17. In regards to **claim 28**, **Fredlund** discloses a photofinisher that receives film from a customer, scans the film, and stores the scanned images **(Column 2 Lines 28 – 31)**, which can be found at a photo store, drugstore, or supermarket **(Column 3 Lines 25 –**

27). Moreover, the images files are stored in a storage device, which were scanned from the photofinisher **(Column 4 Lines 34 – 36)**. Furthermore, **Fredlund** also discloses a CD-writer for producing Photo CD's **(Column 7 Lines 26 – 27)**. The order is then completed automatically **(Column 7 Lines 18 – 19)**, the images can be returned to the customer by mail or picked up by the customer at the location where there were dropped off **(Column 3 Lines 39 – 42)**.

Furthermore, **Fredlund** discloses:

recording one or more images of the kept images onto a recording medium to be delivered to a user of the digital camera in accordance with the user's instructions, said one or more recording media including a printed photograph **(Col. 2 Lines 45 – 56; Col. 3 Lines 32 – 42 wherein the images are recorded onto a recording medium and delivered to the designated recipient as indicated by the user)**;

receiving at the delivery-medium producing site from the user via the Internet an extra-printing request, the extra-printing request causing the delivery-medium producing site to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user **(Col. 2 Lines 45 – 56; Col. 3 Lines 32 – 42; wherein the user is allowed to send in an extra-printing request (re-ordering of prints) and wherein the prints are provided to the designated recipient as indicated by the user)**;

However, **Fredlund** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request **which includes at least one of said image IDs linked to the predetermined web page,**

that the digital camera automatically determines when respective image transmitting conditions are met without the user inputting a transmission command the digital camera being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to

other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Fredlund** in view of the teachings of **Steinberg** to incorporate that the digital camera automatically determines when respective image transmitting conditions are met without the user inputting a transmission command in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have

formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

18. In regards to **claim 42**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

19. In regards to **claims 48**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

20. In regards to **claims 56**, **Steinberg** discloses wherein:

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that;

said delivery-medium recording unit records a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images if a shot interval between said previously captured image and said subsequently captured image is shorter than a predetermined period, and

said delivery-medium recording unit records said subsequently captured image on a different recording medium than said previously captured image if the shot interval between said previously captured image and said subsequently captured image is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored

at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

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21. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** and in further view of **Allen et al. (US Patent 5,737,491)**.

22. In regards to **claim 29**, the **combination of Fredlund and Steinberg** are discussed above, but fails to teach a method of transmitting digital images via a phone.

However, **Allen** teaches a method of transmitting images taken by a digital camera that is wirelessly connected to a cellular phone to a specified location so that images can be transmitted at any time as well as freeing up storage space on the camera when needed or to a magazine's photo editor **(Column 1 Lines 60 – 65, Column 3 Lines 5 – 9, Column 2 Lines 1 – 5, Claim 7)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Allen** to modify the **combination of Fredlund and Steinberg** to include a method of transmitting images to a specified location via a cellular phone.

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23. **Claim 31 – 34, 49, and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** in further view of **Enomoto et al. (US Patent 5,974,401/JP 10078918 A The examiner would like to note that the English equivalent of will be used and a translation of the original patent of JP 10078918 A published in 1998 has been requested)**.

24. In regard to **claims 31 – 34**, it is well known in the art that a customer must present a method of payment at the time that a specific service is completed whether it would be cash or credit. In regards to be charged through a phone company, it is well known in the art that phone companies will charge their customers for any extra services on top of their customers' regularly monthly charges.

Furthermore, **Fredlund** discloses:

recording one or more images of the kept images onto a recording medium to be delivered to a user of the digital camera in accordance with the user's instructions, said one or more recording media including a printed photograph **(Col. 2 Lines 45 – 56; Col. 3 Lines 32 – 42 wherein the images are recorded onto a recording medium and delivered to the designated recipient as indicated by the user)**;

receiving at the delivery-medium producing site from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing site to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user **(Col. 2 Lines 45 – 56; Col. 3 Lines 32 – 42;**

wherein the user is allowed to send in an extra-printing request (re-ordering of prints) and wherein the prints are provided to the designated recipient as indicated by the user);

Regarding,

an extra-printing request which includes at least one of said image IDs linked to the predetermined web page;

the Examiner has already discussed the limitation above in regards to modifying the teachings of **Fredlund** in view of **Steinberg**.

With that said, **Fredlund** and **Steinberg** are discussed above, but fail to teach a method of payment.

However, **Enomoto** does teach:

a payment service in which the customer chooses their mode of payment in the details of the charge **(Column 7 Lines 48 – 53)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Enomoto** to modify the **combination of Fredlund and Steinberg** to include a payment service for the delivery of the submitted images.

25. In regards to **claims 49**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

26. In regards to **claims 57**, **Steinberg** discloses wherein:

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said recording step decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said recording step decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored

image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

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27. **Claims 15 – 17, 44 – 45, and 52 – 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Enomoto et al. (US Patent 5,974,401/JP 10078918 A The examiner would like to note that the English equivalent will be used and a translation of the original patent of JP 10078918 A published in 1998 has been requested)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** and in further view of **Fredlund et al. (US Patent 5,666,215)**.

28. In regard to **claims 15**, **Enomoto** discloses a receiving unit operable to receive a plurality of images from a plurality of users **(Column 3 Line 16)**, an image keeping apparatus operable to keep the plurality of images received and recorded therein by the receiving unit **(Column 3 Lines 17 – 20)**, a delivery-medium recording unit operable to record the plurality of images onto recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph in such a manner that each recording media stores on or more images of the plurality of images that were received from one of the users **(Column 2 Lines 27 – 31, 45 – 55; Column 8 Lines 27 – 33)**, a keeping-time monitoring unit operable to monitor a keeping time for each of the plurality of images to determine whether or not the keeping time reaches an end of a predetermined keeping term, the keeping time being a time that has passed after each of the plurality of images was recorded in the image keeping apparatus **(Column 8 Lines 20 – 26)**, and a keeping time notifying unit operable to notify, when the keeping time is determined to reach the end of the predetermined keeping term, a corresponding user of each of the plurality of images that the predetermined term expired **(Column 7 lines 4 – 8)**.

However, **Enomoto** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

an extra-printing request which includes at least one of said image IDs linked to the predetermined web page

wherein the digital camera is programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a

result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Enomoto** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have

formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

However, the **combination of Enomoto and Steinberg** fails to teach:

an extra-printing request unit configured to receive from the user via the Internet, the extra-printing request causing the delivery-medium producing apparatus to produce and extra-printed photograph specified by said extra-printing request to be delivered to the user.

Fredlund discloses that it is old and well known to request an extra-printing of images (re-ordering). Specifically, **Fredlund** discloses that it is old and well known in the art of photographing that one of ordinary skill in the art of photo development to have recognized that it is common business practice to re-order images and have them delivered to a designated recipient as designated by the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Enomoto and Steinberg** in view of the teachings of **Fredlund** since it is common business practice for a user to re-order prints and, as taught by **Fredlund**, it is also old and well known to have the images to be delivered to a designated recipient.

29. In regards to **claim 16**, **Enomoto** discloses the image keeping apparatus deletes one of the plurality of images for which the predetermined term expired, if no user's instruction is revised from the corresponding user within a predetermined waiting time period after the notification **(Column 7 Lines 4 – 8; Column 8 Lines 20 – 26)**.

30. In regards to **claims 52**, **Steinberg** discloses wherein:

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored

image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

31. In regards to **claim 17**, **Enomoto** discloses a receiving unit operable to receive a plurality of images from a plurality of users **(Column 3 Line 16)**; an image keeping apparatus operable to keep the plurality of images received and recorded therein by the receiving unit **(Column 3 Lines 17 – 20)**; a delivery-medium recording unit operable to record the plurality of images onto recording media, said one or more recording media including a printed photograph in such a manner that each of the recording media stores on ore more images of the plurality of images that were received form one of the users **(Column 2 Lines 27 – 31, 45 – 55; Column 8 Lines 27 – 33)**; a payment-mode receiving unit operable to receive an instruction specifying a payment mode from each of the users **(Column 8 Lines 13 – 14)**; and a payment processing unit operable to

indirectly charge each of the uses in accordance with the specified payment mode **(Column 7 lines 48 – 53)**.

However, **Enomoto** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

wherein the digital camera is programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction indicating that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg**, discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still,

Steinberg discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Enomoto** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

However, the **combination of Enomoto and Steinberg** fails to teach:

a delivery-medium recording unit operable to record the plurality of images onto recording media to be delivered to a user in accordance with the user's instruction

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing apparatus to produce and extra-printed photograph specified by said extra-printing request to be delivered to the user.

Fredlund discloses that it is old and well known to request an extra-printing of images (re-ordering). Specifically, **Fredlund** discloses that it is old and well known in the art of photographing that one of ordinary skill in the art of photo development to have recognized that it is common business practice to re-order images and have them delivered to a designated recipient as designated by the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Enomoto and Steinberg** in view

of the teachings of **Fredlund** since it is common business practice for a user to re-order prints and, as taught by **Fredlund**, it is also old and well known to have the images to be delivered to a designated recipient.

32. In regards to **claims 44 – 45**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

33. In regards to **claims 53**, **Steinberg** discloses wherein:

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between said previously captured image was

captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

34. **Claims 18 – 27, 37 – 40, 46 – 47, and 54 – 55** are rejected under 35 U.S.C. 102(b) as being anticipated by **Allen et al. (US Patent 5,737,491)** in view of **Steinberg (US Patent 6,750,902 B1)** and in further view of **Fredlund et al. (US Patent 5,666,215)**..

35. In regard to **claims 18 and 19**, **Allen** discloses a camera that is connected wirelessly to a cellular phone **(Column 3 Lines 5 – 9)** for the transmission of images to a server. In Table 1 a list of commands are disclosed, such as the "Send Prints (address)" command that will send the images to a designated address or number through the cellular phone **(Column 2 Lines 1 – 5, Claim 7)**. It is obvious that these operations must be carried out with the use of a program and a connection-detecting module. Further still, **Allen** also discloses that the digital camera includes a transceiver to transmitting the digital images, and control signals to the image fulfillment server (external apparatus) **(Column 2 Lines 48 – 51)**.

However, **Allen** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet;

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request **which includes at least one of said image IDs linked to the predetermined web page** and

a transmitting module operable to automatically determine when an image transmitting condition is met without a user of the digital camera inputting a transmission command and without the digital camera receiving external data indicating that the condition is met, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said mobile phone to an external apparatus for storage in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a

result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Allen** in view of the teachings of **Steinberg** to incorporate a transmitting module operable to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said phone to an external apparatus for storage in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the

art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

However, the **combination of Allen and Steinberg** fails to teach:

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph, and

the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user.

Fredlund discloses that it is old and well known to request an extra-printing of images (re-ordering). Specifically, **Fredlund** discloses that it is old and well known in the art of photographing that one of ordinary skill in the art of photo development to have recognized that it is common business practice to re-order images and have them delivered to a designated recipient as designated by the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Allen and Steinberg** in view of the teachings of **Fredlund** since it is common business practice for a user to re-order prints and, as taught by **Fredlund**, it is also old and well known to have the images to be delivered to a designated recipient.

36. In regards to **claims 20 and 23 – 24**, **Steinberg** further discloses comprising a monitoring module operable to monitor the number of said one or more images

captured by said digital camera to determine whether or not said number reaches a predetermined number **(Col. 5 Lines 18 – 37)**, wherein

said transmitting module makes said digital camera transmit said one or more images when said monitored number of said one or more images reaches said predetermined number **(Col. 5 Lines 18 – 37)**.

37. In regards to **claims 54**, **Steinberg** discloses wherein:

said external apparatus determines whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said external apparatus decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said external apparatus decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image the date and time and said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting

those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

38. In regards to **claim 21**, **Allen** discloses that digital images taken by a photographer with a digital camera are transmitted wirelessly to a cellular phone, which will then be received by an image fulfillment server **(Column 1 Lines 60 – 65, Column 3 Lines 5 – 8)**. These operations are carried out with a microprocessor found within the digital camera **(Figure 1)**. **Allen** also discloses a digital camera that receives a voice

command from a user and then automatically searches a codebook to match the voice command with a command that is found in the codebook. Once the command has been matched, the camera would then perform the function automatically based on what is already programmed in the codebook **(Column 4 Lines 36 – 54)**. Further still, **Allen** also discloses that the digital camera includes a transceiver to transmitting the digital images, and control signals to the image fulfillment server **(external apparatus) (Column 2 Lines 48 – 51)**.

However, **Allen** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet;

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request **which includes at least one of said image IDs linked to the predetermined web page**, and

said controller is configured to automatically determine when an image transmitting condition is met without a user of the capturing device inputting a transmission command and without receiving and external instruction that the condition is met, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 –**

30; Figure 9). **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Allen** in view of the teachings of **Steinberg** to incorporate said controller is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination in order to provide the advantages of a digital camera user can download

image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

However, the **combination of Allen and Steinberg** fails to teach:

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph, and

the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user.

Fredlund discloses that it is old and well known to request an extra-printing of images (re-ordering). Specifically, **Fredlund** discloses that it is old and well known in the art of photographing that one of ordinary skill in the art of photo development to have recognized that it is common business practice to re-order images and have them delivered to a designated recipient as designated by the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Allen and Steinberg** in view of the teachings of **Fredlund** since it is common business practice for a user to re-order prints and, as taught by **Fredlund**, it is also old and well known to have the images to be delivered to a designated recipient.

39. In regards to **claim 22**, **Allen** discloses a voice recognition program that allows a user to instruct the camera to send images to an external apparatus **(Column 3 Lines 49 – 52)**.

40. In regard to **claim 25**, **Allen** discloses that the camera "...includes an interface, such as a SCSI port, for connecting to an external input device 27 such as a keyboard or LCD touch screen. The external input device 27 may be used to enter information such as text annotation, electronic addresses of file names that are to be associated with photographer's utterances **(Column 2 Lines 63 – 67, Column 3 Line 1)**." After the photographer takes the picture, a verbal command can be given to transmit the images **(Column 3 Lines 49 – 52)**.

41. In regards to **claim 26**, it is well-known in the art that a digital camera has a display to view stored images and select which images the user would like to view, one such example is Kodaks' DC4800 Digital Camera **(http://www.pcstats.com/articleview.cfm?articleID=593, http://web.archive.org/web/20000815073948/www.kodak.com/US/en/digital/cameras/DCSGateway.jhtml which was provided as evidence to support the Examiner's statement)**.

42. In regards to **claim 27**, **Allen** discloses a transceiver that is part of the digital camera **(Figure 1, Column 2 Lines 48 – 51)**.

43. In regards to **claims 55**, **Steinberg** discloses wherein:

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said recording step decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said recording step decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image

was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

44. In regards to **claim 37**, it is old and well known that images are captured and stored in digital cameras.

45. In regards to **claim 38**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

46. In regards to **claim 39**, it is old and well known that images are captured and stored in digital cameras.

47. In regards to **claim 40**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

48. In regards to **claims 46 – 47**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

Response to Arguments

49. Applicant's arguments filed **7/14/09 (After-Final Amendment and Arguments; RCE filed on 9/4/09)** have been fully considered but they are not persuasive.

Drawings

50. The amendment to the drawings has been entered and the objection **withdrawn**.

Rejections under 35 USC 112, first paragraph

51. The rejections under 35 USC 112, first paragraph, have been **withdrawn**.

Pertinent Notes

52. The Examiner notes that the applicant has made it clear on the record that when the camera is in communication with the mobile phone it is the controller within the camera that controls the mobile phone and not the controller within the mobile phone.

53. The Examiner also asserts that the previous action, which was a Final Office action, was proper and necessitated by amendment. The Examiner asserts that the amendments from the previous set of claims necessitated any new rejections that were not previously provided.

54. The Examiner would like to note that the applicant has stated that the "external apparatus" is analogous to the delivery-medium producing apparatus/site.

Regarding the amendments made to the claims the Examiner has responded to them in the rejection above. As such, the provided arguments are considered to be moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3689

/Dennis Ruhl/
Primary Examiner, Art Unit 3689